

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
GRAHAM WILLIAM FERRARA,
Defendant.

Case No. 2:23-mj-00627-EJY

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Ferrara's trial before this Court is scheduled for January 3, 2024 at 9:30 AM.

2. The defense and prosecution have reached a resolution of this matter. Mr. Ferrara intends to plead guilty to Count 1 of the Complaint—Operating a Motor Vehicle while Under the Influence of Alcohol and Drugs, pursuant to a plea agreement.

3. Mr. Ferrara traveled to Hawaii on November 22, 2023 to assist with a family medical emergency. His return flight was booked for Friday, December 29, 2023. Unfortunately, on or around December 28, 2023, Mr. Ferrara fell ill with the flu and had to reschedule his flight to January 9, 2024.

4. The parties therefore respectfully request that this Court continue Mr. Ferrara's proceedings to a date and time after January 9, 2024.

5. Mr. Ferrara is out of custody and agrees to the continuance.

6. The parties agree to the continuance.

This is the second request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, January 3, 2024, at 9:30 a.m., be vacated and continued to January 31, 2024 at the hour of 9:30 a.m. in Courtroom 3D.

DATED this 2nd day of January, 2024.

Clayton J. Zouchah
UNITED STATES MAGISTRATE JUDGE